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Published on: 1 November 2012

Statement No. 915

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

FERRAUS PILBARA PROJECT

Proposal: The proposal is to expand the FerrAus Pilbara Project to include below the water table mining at the Robertson Range Area and to develop additional mine pits at the Davidson Creek Area, located in the East Pilbara region of Western Australia.

Proponent: FerrAus Pty Limited
Australian Company Number: 097 422 529

Proponent Address: Raine Square, Level 18
300 Murray Street
PERTH WA 6000

Assessment Number: 1908

Report of the Environmental Protection Authority Number: 1449

This Statement authorises the implementation of the Proposal described and documented in Columns 1 and 2 of Table 2 of Schedule 1. The implementation of the Proposal is subject to the following implementation conditions and procedures. Schedule 1 describes the authorised extent and defines terms and phrases used in the implementation conditions and procedures.

Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the Proposal have been approved under the EP Act.

Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within 28 days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within 5 years from the date of this statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of 5 years from the date of this statement.

Compliance Reporting

- 4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by Condition 4-1 at least six months prior to the first compliance assessment report required by Condition 4-6, or prior to implementation, whichever is sooner.

The compliance assessment plan shall indicate:

- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of compliance assessment reports; and
 - (6) public availability of compliance assessment reports.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by Condition 4-1.

- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by Condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this Statement addressing the 12 month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report.

The compliance assessment report shall:

- (1) be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved compliance assessment plan; and
- (5) indicate any proposed changes to the compliance assessment plan required by Condition 4-1.

Public Availability of Data

5-1 Subject to Condition 5-2, within a reasonable time period approved by the CEO of the issue of this statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in Condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make this data publically available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publically available.

Vegetation

- 6-1 The proponent shall ensure that there is no mortality of groundwater dependent vegetation (River Red Gum and Coolibah) due to the implementation of the proposal beyond the ten metre groundwater drawdown contour as shown in Figure 2 and delineated by coordinates specified in Schedule 2.
- 6-2 To verify that Condition 6-1 is being met, the proponent shall develop a Groundwater Dependent Vegetation Monitoring Plan to the satisfaction of the CEO.

The Groundwater Dependent Vegetation Monitoring Plan shall include:

- (1) identification of potential impact monitoring and control sites;
 - (2) the design of a survey to acquire baseline data, including health and abundance parameters;
 - (3) definition of health and abundance parameters;
 - (4) definition of environmental parameters to be monitored, including groundwater drawdown;
 - (5) definition of monitoring frequency and timing; and
 - (6) identification of criteria to measure decline in health.
- 6-3 The proponent shall implement the Groundwater Dependent Vegetation Monitoring Plan required by Condition 6-2 prior to the start of dewatering at the Davidson Creek Area until advised otherwise by the CEO.
- 6-4 Prior to the commencement of dewatering, the proponent shall implement the baseline monitoring survey, required by Condition 6-2(2) for all sites identified in Condition 6-2(1) and submit the results to the CEO.
- 6-5 In the event that monitoring required by Condition 6-3 indicates a decline in health compared with the control sites, identified in Condition 6-2(1), the proponent shall provide a report to the CEO within 21 days of the decline being identified which:
- (1) describes the decline or change;
 - (2) provides information which allows determination of the likely root cause of the decline or change; and
 - (3) if considered likely to be the result of activities undertaken in implementing the proposal, proposes the actions and associated timelines to remediate the decline or change.

- 6-6 The proponent shall implement the actions identified in Condition 6-5(3) until the CEO determines that the remedial actions may cease.

Rail alignment

- 7-1 Prior to commencement of ground disturbing activities, the proponent shall undertake targeted flora and fauna surveys of the rail route to identify any species of conservation significance to the satisfaction of the CEO in consultation with the Department of Environment and Conservation.
- 7-2 In the event that the results from the surveys required by Condition 7-1 identify conservation significant flora or fauna, the proponent shall take steps to avoid or minimise the disturbance of the conservation significant flora or fauna to the requirements of the CEO in consultation with the Department of Environment and Conservation.
- 7-3 The proponent shall avoid or minimise disturbance to samphire and halophytic vegetation where the rail traverses the Fortescue Marsh as shown in Figure 1 to the satisfaction of the CEO in consultation with the Department of Environment and Conservation.
- 7-4 The proponent shall avoid or minimise disturbance to riparian vegetation where the rail traverses Fortescue River Coolibah as shown in Figure 1 to the satisfaction of the CEO in consultation with the Department of Environment and Conservation.
- 7-5 The proponent shall design the rail infrastructure to maintain the natural surface flows and flooding regime of the marsh where the rail traverses the Fortescue Marsh as shown in Figure 1 to the satisfaction of the CEO in consultation with the Department of Environment and Conservation.
- 7-6 The proponent shall design the rail infrastructure to maintain the surface flows and flooding regime of the alluvial and gilgai plains where the rail traverses Fortescue River Coolibah as shown in Figure 1 to the satisfaction of the CEO in consultation with the Department of Environment and Conservation.

Subterranean Fauna

- 8-1 Prior to commencement of ground disturbance activities, the proponent shall implement the Subterranean Fauna Survey Strategy provided as Appendix 33 of *the FerrAus Pilbara Project Mine and Rail Infrastructure Environmental Impact Assessment* (August 2011) or subsequent revisions approved by the CEO.
- 8-2 In the event that the results from the surveys required by the Subterranean Fauna Survey Strategy referred to in Condition 8-1 indicate that there is a risk of loss of subterranean species and/or communities as a result of project operations, the proponent shall institute management measures in accordance

with a Subterranean Fauna Management Plan prepared prior to ground disturbing activities to the requirements of the CEO in consultation with the Department of Environment and Conservation.

The Subterranean Fauna Management Plan shall set out procedures and measures to:

- (1) avoid and/or demonstrate management of impacts on subterranean fauna species and/or communities and their habitats where the long-term survival of those species and/or communities may be unknown or at risk as a result of project operations;
- (2) record the distribution of species and/or communities of subterranean fauna, and monitor groundwater levels, groundwater quality and other relevant aspects of subterranean fauna habitat to ensure that the long-term survival of subterranean fauna species and communities is not compromised as a result of project operations; and
- (3) in the event that monitoring indicates that project operations may compromise the long-term survival of a population of subterranean fauna species and/or a discrete occurrence of a subterranean fauna community, the proponent shall provide a report, developed in consultation with the Department of Environment and Conservation, proposing measures to avoid, mitigate or offset these risks to the CEO for approval.

8-3 If a Subterranean Fauna Management Plan is required to be prepared under Condition 8-2, it shall be implemented prior to and during any ground disturbing activities.

Discharge of Dewater to the Environment

9-1 The proponent shall ensure that the discharge of dewater as a result of mining does not cause long term impacts to the environmental and conservation values of the receiving watercourses and/or irrigation areas.

9-2 To verify that Condition 9-1 is being met, the proponent shall develop a high level environmental and conservation values statement for the receiving watercourses and/or irrigation areas to the satisfaction of the CEO in consultation with the Department of Water.

9-3 The proponent shall ensure that any dewater discharged to the environment does not exceed whichever is greater of the following:

- (1) the default trigger for the protection of marine and freshwater ecosystems as per the Australian and New Zealand Environmental and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand (ANZECC/ARMCANZ (2000))

Australian Water Quality Guidelines for Fresh and Marine Waters and its updates;

- (2) baseline levels of the receiving environment determined pursuant to Condition 9-4; or
- (3) other criteria agreed with the Department of Water.

9-4 Prior to discharging dewater from the proposal, the proponent shall develop a Water Discharge Monitoring and Management Plan to the satisfaction of the CEO in consultation with the Department of Water to ensure that the environmental and conservation values associated with these ecosystems and any downstream ecosystems are maintained. This plan shall:

- (1) when implemented, identify the water quality baseline levels of the receiving water courses and/or irrigation areas for the criteria measured under the Australian and New Zealand Environmental and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand (ANZECC/ARMCANZ (2000)) *Australian Water Quality Guidelines for Fresh and Marine Waters* and its updates;
- (2) describe the episodic water discharge program;
- (3) when implemented, monitor to demonstrate whether Conditions 9-1 and 9-3 are being met; and
- (4) when implemented, manage the implementation of the proposal to meet the requirements of Conditions 9-1 and 9-3.

9-5 Prior to ground disturbing activities (to allow the discharge of dewater to the environment), the proponent shall undertake targeted surveys of the pipeline routes and/or irrigation areas to identify any species of conservation significant flora or fauna to the satisfaction of the CEO.

9-6 The proponent shall take account of the results of the surveys required by Condition 9-5 in the design of the discharge and/or irrigation system to the satisfaction of the CEO.

9-7 The proponent shall implement the Water Discharge Monitoring and Management Plan from the commencement of discharge of dewater from the proposal.

Residual Impacts and Risk Management Measures

10-1 In view of the significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute:

- (1) funding for the impact to groundwater dependent vegetation calculated pursuant to Condition 10-2 prior to ground disturbance;

- (2) funding for the impact to good-to-excellent condition native vegetation, calculated pursuant to Condition 10-3; and
- (3) funding for the impact to the Fortescue Marsh Priority Ecological Community, calculated pursuant to Condition 10-4,

to the strategic regional conservation initiative for the Pilbara.

10-2 The amount of funding pursuant to Condition 10-1(1) will be calculated as:

- \$1500 (excluding GST) per hectare within the ten metre drawdown contour as identified in Figure 2.

10-3 The proponent's contribution to the initiative identified in Condition 10-1(2) shall be paid biennially, the first payment due on 31 May two years after ground disturbance. The amount of funding will be made on the following basis and in accordance with the approved Impact Reconciliation Procedure:

- \$1500 (excluding GST) per hectare cleared within the area delineated in Figure 1 as the Pilbara Interim Biogeographic Regionalisation for Australia (IBRA).

10-4 The proponent's contribution to the initiative identified in Condition 10-1(3) shall be paid biennially, the first payment due on 31 May two years after ground disturbance. The amount of funding will be made on the following basis and in accordance with the Impact Reconciliation Procedure:

- \$3000 (excluding GST) per hectare cleared within the area delineated in Figure 1 as Fortescue Marsh.

10-5 The proponent shall prepare an Impact Reconciliation Procedure and submit it for approval of the CEO prior to ground disturbance.

10-6 The Impact Reconciliation Procedure required pursuant to Condition 10-5 shall:

- (1) include details of a methodology to identify clearing;
- (2) include a methodology for calculating the amount of clearing undertaken during each biennial time period; and
- (3) state the biennial time period commences on the 1 March prior to commencing ground disturbance and the due date for submitting the results of the Procedure for approval of the CEO as 31 March two years after commencement of the biennial time period.

10-8 If pursuant to Condition 8-2(3), the CEO agrees that risks to the long-term survival of subterranean fauna species and/or communities may be offset, the proponent shall prepare a Subterranean Fauna Research Project and submit it to the CEO for approval.

10-9 The Subterranean Fauna Research Project pursuant to Condition 10-8 shall:

- (1) be to the value of \$100,000 excluding GST;
- (2) when implemented, meet the objective of increasing knowledge and understanding of subterranean fauna in the Pilbara region; and
- (3) be prepared in consultation with the Department of Environment and Conservation and the Western Australian Museum.

10-10 The proponent shall implement the Approved Subterranean Fauna Research Project within 12 months of results from surveys pursuant to Condition 8-2 identifying that project operations may compromise the long-term survival of subterranean fauna species and/or communities.

10-11 The real value of contributions described in Conditions 10-2, 10-3, 10-4 and 10-9 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.

[Signed 31 October 2012]

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

Table 1: Summary of the Proposal

Proposal Title	FerrAus Pilbara Project
Short Description	This proposal is to expand the FerrAus Pilbara Project to mine ore below the water table at the Robertson Range Area, and to develop an additional mine at the Davidson Creek Area, in the East Pilbara region of Western Australia.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Physical Element	Location	Authorised Extent
Twelve open cut mine pits	Davidson Creek Area (See Figure 1)	Mining up to 205 metres below the water table
Four open cut mine pits	Robertson Range Area (See Figure 1)	Mining up to 140 metres below the water table
Mine, waste dumps, tailings storage facility, and associated infrastructure	See Figure 2 and geographic coordinates described in Schedule 2	Clearing of up to 4700 hectares of native vegetation within the development footprint
Impact of groundwater depression on groundwater dependent vegetation	Within the 10 metre drawdown contour shown in Figure 2 and geographic coordinates described in Schedule 2	Loss of groundwater dependent vegetation within the 10 metre drawdown contour
Railway - one of two options (but not both)	Option 1: route from project area to Brockman Resources Marillana Project as shown in Figure 1; OR Option 2: route from project area to Roy Hill project as shown in Figure 1	Clearing of up to 1640 hectares of native vegetation, 980 hectares of which is to be rehabilitated; OR Clearing of up to 1460 hectares of native vegetation, 880 hectares of which is to be rehabilitated

Table 2: continued

Operational Element	Location	Authorised Extent
Dewatering	-	Abstraction of no more than 11.5 gigalitres per annum
Dewater discharge	Project area and surrounding areas	Discharge of no more than 9 gigalitres per annum

Table 3: Abbreviations

Abbreviation	Term
ANZECC	Australian and New Zealand Environment and Conservation Council
ARMCANZ	Agricultural and Resource Management Council of Australia and New Zealand
IBRA	Interim Biogeographic Regionalisation for Australia, 2012 (version 7)

Table 4: Definitions

Term or Phrase	Definition
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
GST	Goods and Services Tax

Definitions

Approved Impact Reconciliation Procedure - the Impact Reconciliation Procedure for which the proponent has received written notification from the CEO that it meets the requirements of Condition 10-6.

Approved Subterranean Fauna Research Project - the Subterranean Fauna Research Project for which the proponent has received written notification from the CEO that it meets the requirements of Condition 10-9.

Biennial – every two years.

Strategic regional conservation initiative for the Pilbara – an initiative to be undertaken by a body that has the strategic objective of improving environmental

values and conservation outcomes of the Pilbara Interim Biogeographic Regionalisation of Australia (IBRA) bioregion by recommending and implementing management and other measures to address threatening processes to flora and fauna.

Figures (attached)

Figure 1 Development envelope of the FerrAus Pilbara Project

Figure 2 Davidson Creek development envelope and 10 metre groundwater drawdown contour

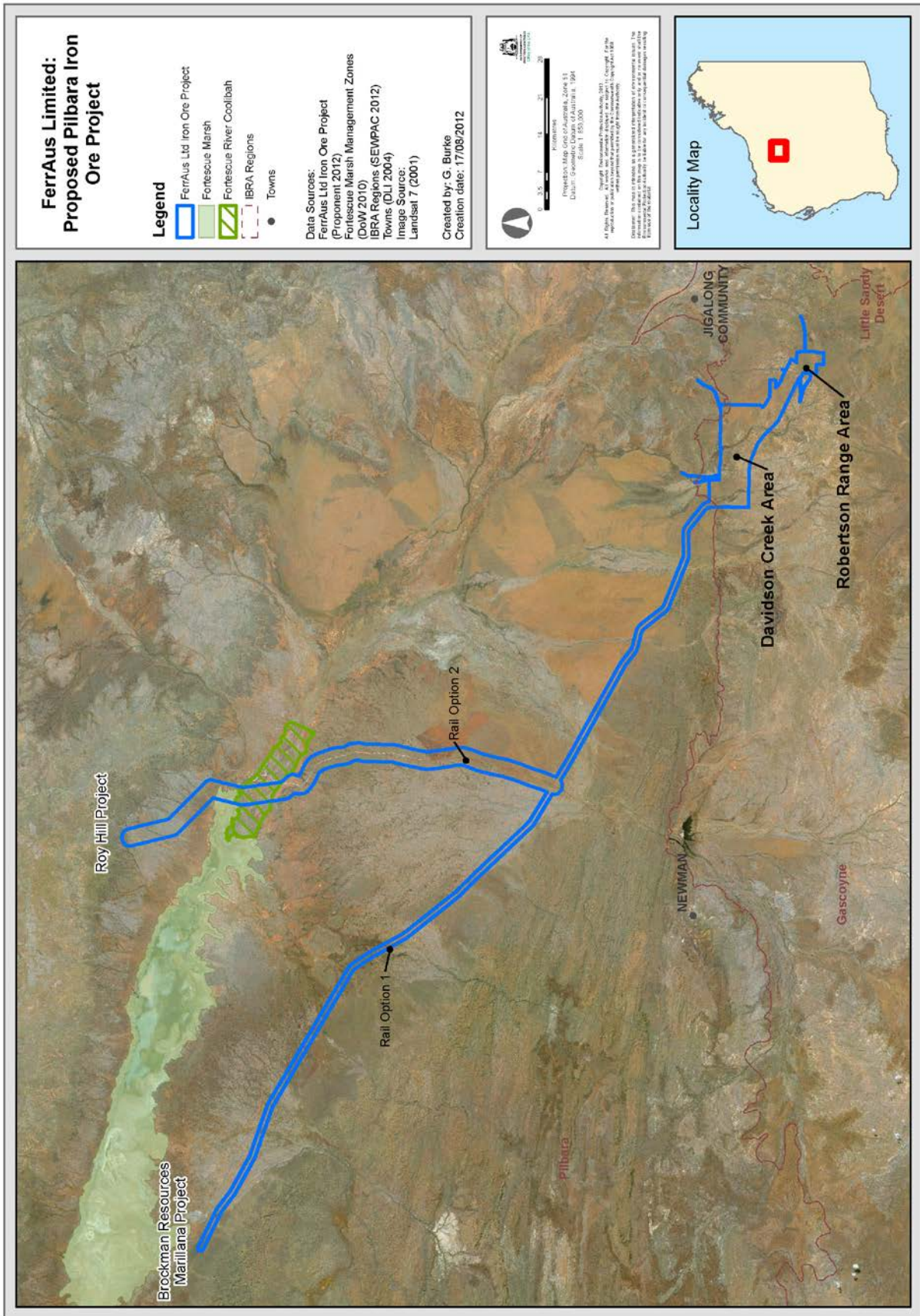


Figure 1 Development envelope of the FerrAus Pilbara Project

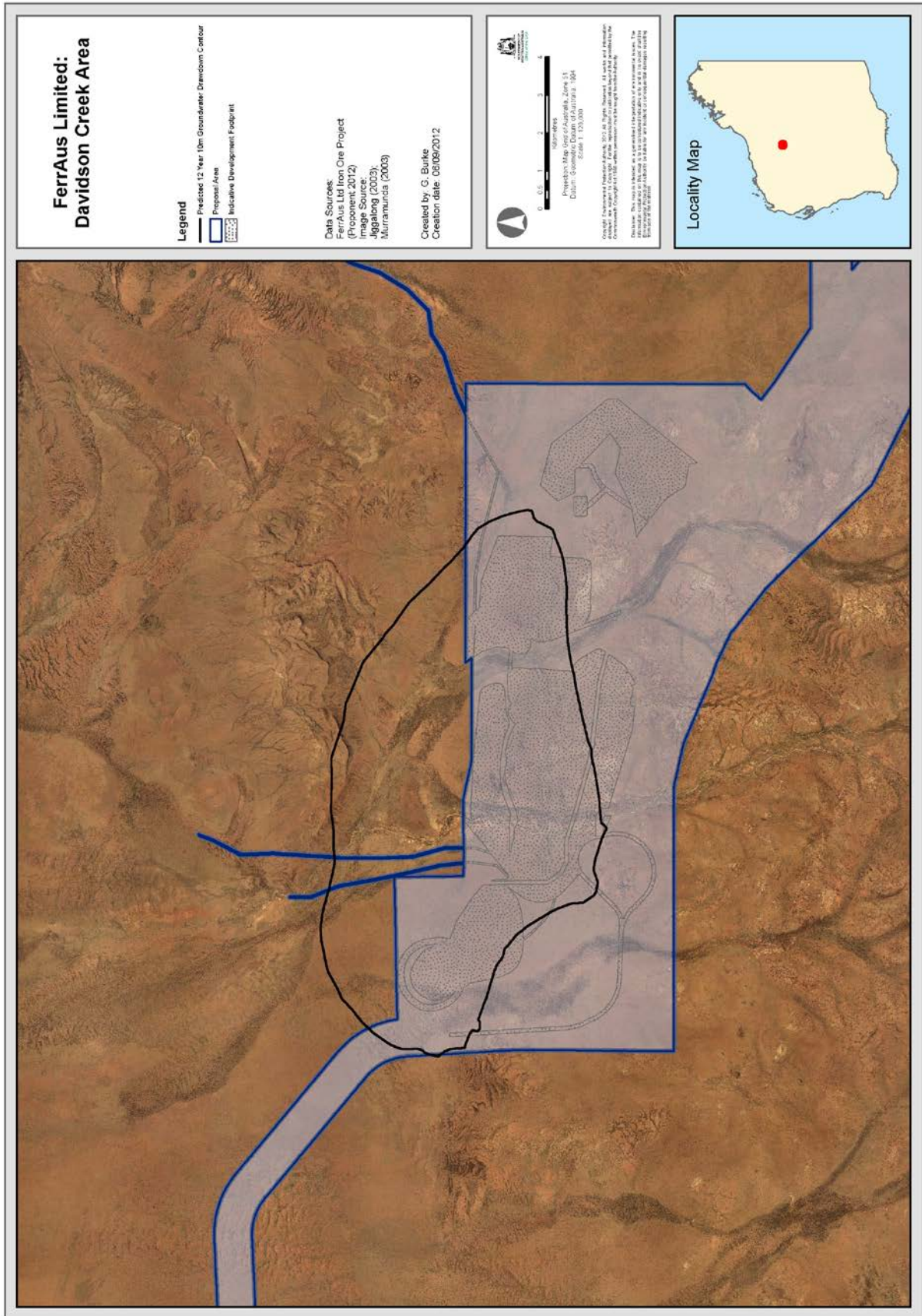


Figure 2 Davidson Creek development envelope and 10 metre groundwater drawdown contour

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the Statement was signed by the Minister for Environment.

Schedule 2

Geographical coordinates of the development footprint and the ten metre groundwater drawdown contour.

FerrAus Pilbara Iron Ore Project
Predicted 12 Year 10m Groundwater Drawdown Contour
Prepared 11 September 2012

Co-ordinates defining the *Predicted 12 Year 10m Groundwater Drawdown Contour* dataset are prescribed below, noting that the correct recreation of the boundary requires the sequential connection of the co-ordinates as per its co-ordinate number.

All co-ordinates are listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geodetic Datum of Australia 1994 (GDA94).

Co-ordinate No.	Easting	Northing
1	239180.00	7413388.04
2	239540.00	7413343.48
3	239780.00	7413289.38
4	240082.58	7413202.58
5	240204.70	7413160.00
6	240360.00	7413133.83
7	240660.00	7413060.31
8	240901.29	7413018.71
9	241220.00	7413036.34
10	241755.30	7413044.70
11	242260.00	7413111.17
12	243000.00	7413091.92
13	243680.00	7413097.77
14	244640.00	7412778.12
15	245100.00	7412721.49
16	245380.00	7412593.50
17	246180.00	7412265.38
18	246822.52	7411740.00
19	246899.15	7411699.15
20	246944.19	7411664.19
21	247140.00	7411484.05
22	247750.86	7411050.86
23	248247.47	7410520.00
24	248656.04	7410136.04
25	248815.48	7409960.00
26	248979.68	7409819.68
27	249185.80	7409625.80
28	249510.75	7409400.00
29	249694.83	7409240.00
30	249877.52	7408940.00
31	250023.86	7408580.00
32	250094.20	7408340.00
33	250172.45	7408000.00
34	250174.41	7407920.00
35	250161.10	7407840.00
36	250138.68	7407820.00
37	250074.24	7407805.76

38	249960.00	7407765.18
39	249900.00	7407717.02
40	249860.91	7407660.00
41	249850.82	7407620.00
42	249714.96	7407360.00
43	249658.93	7407280.00
44	249422.60	7407200.00
45	249220.00	7407114.95
46	249046.60	7407053.40
47	248880.00	7407009.04
48	248720.00	7406979.07
49	248422.09	7406937.91
50	248200.00	7406918.96
51	247960.00	7406914.27
52	247620.00	7406921.94
53	247146.57	7406913.43
54	246720.00	7406884.00
55	246480.00	7406851.85
56	246120.00	7406787.95
57	245900.00	7406732.65
58	245447.87	7406660.00
59	245260.00	7406612.52
60	244640.00	7406484.58
61	244500.00	7406440.44
62	244400.00	7406426.06
63	244100.00	7406351.35
64	243900.00	7406264.47
65	243680.00	7406257.23
66	243307.71	7406172.29
67	242640.00	7406064.63
68	242080.00	7406021.22
69	241960.00	7405999.18
70	241933.69	7405986.31
71	241840.00	7405881.62
72	241800.00	7405865.57
73	241600.00	7405958.89
74	241378.27	7406040.00
75	241220.00	7406083.33
76	241000.00	7406158.49
77	240760.00	7406204.92
78	240700.00	7406203.47
79	240385.08	7406094.92
80	240123.99	7406143.99
81	240035.85	7406195.85
82	239848.63	7406480.00
83	239834.86	7406754.86

84	239697.28	7407140.00
85	239600.00	7407326.28
86	239440.00	7407603.99
87	239215.49	7407960.00
88	239115.51	7408075.51
89	238991.62	7408240.00
90	238768.18	7408420.00
91	238714.12	7408454.12
92	238660.00	7408519.68
93	238600.00	7408559.53
94	238500.00	7408568.87
95	238380.00	7408616.93
96	238200.00	7408750.58
97	238085.52	7408800.00
98	237680.00	7408930.23
99	237540.00	7408963.29
100	237300.00	7409039.04
101	237140.00	7409109.22
102	237060.00	7409132.04
103	236780.00	7409236.15
104	236760.00	7409238.93
105	236716.47	7409203.53
106	236517.35	7409197.35
107	236461.86	7409261.86
108	236494.46	7409380.00
109	236478.12	7409400.00
110	236400.00	7409456.59
111	236340.00	7409484.92
112	236208.05	7409540.00
113	236120.00	7409565.99
114	236099.56	7409579.56
115	236060.00	7409582.63
116	236027.70	7409600.00
117	236009.94	7409840.00
118	235983.41	7410000.00
119	235920.05	7410140.00
120	235840.00	7410244.91
121	235798.33	7410281.67
122	235833.45	7410440.00
123	235887.47	7410612.53
124	235908.69	7410660.00
125	235945.89	7410694.11
126	235972.12	7410740.00
127	235996.81	7410820.00
128	236005.76	7410880.00
129	235993.78	7411120.00

130	235997.63	7411240.00
131	236030.72	7411360.00
132	236118.04	7411560.00
133	236178.28	7411660.00
134	236434.56	7412020.00
135	236749.75	7412340.00
136	237040.00	7412564.74
137	237302.68	7412817.32
138	237589.67	7412950.33
139	238040.00	7413194.92
140	238840.00	7413365.88
141	239180.00	7413388.04

END OF CO-ORDINATE LISTING

ATTACHMENT 1 TO MINISTERIAL STATEMENT 915

Section 46C
Environmental Protection Act 1986

NOTICE OF CHANGES TO IMPLEMENTATION CONDITIONS MINISTERIAL STATEMENT 915

FERRAUS PILBARA PROJECT

Pursuant to sections 46C(1)(a) and 46C(1)(b)(i) of the *Environmental Protection Act 1986*, the implementation conditions applying to the above proposal are changed in accordance with this Notice. I consider these changes to be of a minor nature and desirable in order to standardise the implementation conditions applying to different proposals; and to correct in the implementation conditions a clerical mistake or unintentional error or omission.

[Signed 31 December 2013]

ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE

1. Condition 10-6 is deleted, and replaced with:

10-6 The Impact Reconciliation Procedure required pursuant to Condition 10-5 shall:

- (1) include details of a methodology to identify clearing of good-to-excellent condition native vegetation;
- (2) include a methodology for calculating the amount of clearing undertaken during each biennial time period;
- (3) include a methodology for calculating the amount of temporary clearing that has commenced rehabilitation in accordance with Condition 11-1 during each biennial time period;
- (4) state the biennial time period commences on the 1 March prior to commencing ground disturbance and the due date for submitting the results of the Procedure for approval of the CEO as 31 March following the end of the first biennial period; and
- (5) identify that any areas cleared that have not commenced rehabilitation in accordance with Condition 11-1 at the end of construction of the rail line are to be considered part of the "railway and related infrastructure" and must be offset in accordance with Condition 10-3.

2. Conditions 10-8 to 10-11 are deleted and renumbered to conditions 10-7 to 10-10

- 10-7 If pursuant to Condition 8-2(3), the CEO agrees that risks to the long-term survival of subterranean fauna species and/or communities may be offset, the proponent shall prepare a Subterranean Fauna Research Project and submit it to the CEO for approval.
- 10-8 The Subterranean Fauna Research Project pursuant to Condition 10-7 shall:
- (1) be to the value of \$100,000 excluding GST;
 - (2) when implemented, meet the objective of increasing knowledge and understanding of subterranean fauna in the Pilbara region; and
 - (3) be prepared in consultation with the Department administering the *Wildlife Conservation Act 1950* or its equivalent and the Western Australian Museum.
- 10-9 The proponent shall implement the Approved Subterranean Fauna Research Project within 12 months of results from surveys pursuant to Condition 8-2 identifying that project operations may compromise the long-term survival of subterranean fauna species and/or communities.
- 10-10 The real value of contributions described in Conditions 10-2, 10-3, 10-4 and 10-8 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.

3. Condition 11 is added to provide clarity on rehabilitation

11 Rehabilitation

- 11-1 The proponent shall undertake progressive rehabilitation of all areas not required for the operation of the rail line during and following construction, to achieve the following outcome:
- (1) The percentage cover and species diversity of living self-sustaining native vegetation in all rehabilitation areas shall be comparable to that of undisturbed natural analogue sites as demonstrated by Ecosystem Function Analysis, or other methodology acceptable to the CEO.
- 11-2 Rehabilitation activities shall continue until such time as the requirements of Condition 11-1 are met, and are demonstrated by inspections and reports to be met, for a minimum of five years following the completion of construction to the approval of the CEO, and on advice of the Department administering the *Wildlife Conservation Act 1950* or its equivalent where the rail traverses the Fortescue Marsh and the proposed conservation reserve.

Note: The Department of Environment and Conservation separated into the Department of Parks and Wildlife and the Department of Environment Regulation on 1 July 2013. All references to 'the Department of Environment and Conservation' in Ministerial Statement 915 should be taken to be 'the Department administering the *Wildlife Conservation Act 1950* or its equivalent'